

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

**Written
Testimony Only**

**Testimony COMMENTING on HB2030 H.D.1
RELATING TO POLLUTION**

SENATOR GLENN WAKAI, CHAIR
SENATE COMMITTEE ON EET

SENATOR LORRAINE R. INOUE, CHAIR
SENATE COMMITTEE ON CPH

Hearing Date: March 21, 2016
Time: 1:20 PM

Room Number: 414

- 1 **Fiscal Implications:** None.
- 2 **Department Testimony:** The Department appreciates the intent of this measure to limit future
- 3 discharges to state waters, but has the following concern.
- 4 Wastewater as defined by HRS 342D-1 means "any liquid waste, whether treated or not, and
- 5 whether animal, mineral, or vegetable including agricultural, industrial, and thermal wastes." Thus,
- 6 wastewater from sources such as; stormwater, construction, industrial, or other activities may not be
- 7 suitable for use in clean energy projects and may not have other feasible alternatives for discharge.
- 8 Thank you for the opportunity to provide testimony on this measure.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 21, 2016
1: 20 p.m.
State Capitol Room 414

**H.B. 2030, H.D. 1
RELATING TO POLLUTION**

Senate Committee(s) Economic Development, Environment and Technology &
Transportation and Energy

The Department of Transportation respectfully **opposes** this bill, which prohibits the discharge of any treated wastewater into State waters after December 31, 2049, except when used to create clean energy.

We appreciate the intent of this measure, and we support clean energy initiatives. However, this measure concerns us because of the broad restrictions that it places on "wastewater" from sources such as storm water, construction, industrial, or other DOT related activities. These sources may not be suitable for clean energy projects and/or may not have any other discharge alternative.

Thank you for the opportunity to present this testimony

Testimony by:
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8480 • Fax: (808) 768-4567
Web site: www.honolulu.gov

KIRK CALDWELL
MAYOR



ROBERT J. KRONING, P.E.
DIRECTOR

MARK YONAMINE, P.E.
DEPUTY DIRECTOR

March 16, 2016

The Honorable Glenn Wakai, Chair
and Members
Senate Committee on Economic Development, Environment, and Technology
State Capitol, Room 216
415 South Beretania Street
Honolulu, Hawaii 96813

The Honorable Lorraine R. Inouye, Chair
and Members
Senate Committee on Transportation and Energy
State Capitol, Room 210
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Wakai, Chair Inouye, and Members:

SUBJECT: House Bill No. 2030 HD1, Relating to Pollution

The Department of Design and Construction (DDC) respectfully **opposes** House Bill No. 2030 HD1, which prohibits the discharge of any treated wastewater into State waters after December 31, 2049, except when used to create clean energy.

DDC and the intent of the bill support the Hawaii Clean Energy Initiative Program. However, the bill's only exception to the total prohibition of any treated wastewater discharge into State waters is vague. As written, this bill is likely to result in unintended, overly restrictive, and infeasible consequences.

For this reason, DDC respectfully **opposes** House Bill No. 2030 HD1.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in dark ink, appearing to read "R. J. Kroning".

Robert J. Kroning, P.E.
Director

**Testimony before the
Senate Committee on Economic Development, Environment, and Technology
and Senate Committee on Transportation and Energy**

**HB2030 HD1 -- Relating to Pollution
Monday, March 21, 2016; 1:20 pm
Conference Room 414**

**By Ron Cox
Vice President, Power Supply
Hawaiian Electric Company, Inc.**

Chairs Wakai and Inouye, Vice Chairs Slom and Gabbard, and Members of the Committees:

My name is Ron Cox. I am the Vice President of Power Supply at Hawaiian Electric Company. I am providing written testimony on behalf of Hawaiian Electric Company and its subsidiary utilities, Maui Electric Company and Hawaii Electric Light Company (collectively referred to as "Hawaiian Electric").

Hawaiian Electric understands the general intent of H.B. 2030 HD1, which proposes to amend Chapter 342D of Hawaii Revised Statutes by adding a new section to prohibit the discharge of treated wastewater. Hawaiian Electric opposes HB2030 HD1 for the following reasons:

An unintended consequence of this bill is that it would lead to higher energy costs for Hawaii's consumers. The purpose of the measure is unclear as to whether it is to promote the production of clean energy, improve the water quality or encourage use of recycled water. However, it appears that the primary purpose of this bill is to promote the production of clean energy.

As written, this measure may hinder Hawaiian Electric from operating many of its electric generating units since wastewater from the process is currently discharged to state waters. The discharges are made pursuant to the federal Clean Water Act and state rules and permits.

The exemption in the bill [§342D-__ (a)], only applies to wastewater treatment facilities, which are not defined. As currently worded, electric generating facilities operated by Hawaiian Electric would not be eligible for the exemption which allows disposal of wastewater into waters of the state if it is generated to "produce clean energy" because Hawaiian Electric is not a wastewater facility. The exemption references Section 196-10.5. Section 196-10.5, the Hawaii Clean Energy Initiative (HCEI) Program, does not define or describe the utilization of wastewater for production of clean energy.

Furthermore, if the purpose is to promote the production of clean energy rather than the improvement of water quality, restricting discharges that comply with the Federal Clean Water Act may be inappropriate and similar legislation in other states has been overturned by numerous Courts¹.

Hawaiian Electric also concurs with testimony submitted by the Hawaii Department of Health and the City and County Department of Design and Construction.

Thank you for the opportunity to testify.

¹ (See e.g. *Blue Circle Cement, Inc. v. Bd. Of County Comm.*, 27 F.3d 1499, 1508 (10th Cir. 1994); *ENSCO, Inc. v. Dumas*, 807 F.2d 743 (8th Cir. 1986); *Man Hing Ivory and Imports, Inc. v. Deukmejian*, 702 F.2d 760, 764-765 (9th Cir. 1983)).

**LARRY JEFTS FARMS, LLC
PO BOX 27
KUNIA, HAWAII 96759
(808) 688-2892**

HB 2030hd1, Relating to Pollution
Senate EET/TRE Committee Hearing - Monday, March 21, 2016
1:20pm - Conference Room 414
Written Testimony by: Larry Jeffs
Position: Support

Chairs Wakai and Inouye and Members of the Senate EET/TRE Committees:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu.

Support is given for this bill that proposes that discharge of treated water into state waters is prohibited after 12/31/2049 except 1) when used to create clean energy and 2) does not prohibit the use of recycled or reclaimed water for a beneficial purpose as provided by law.

Accessible and affordable land and water are needed for agriculture in Hawaii. The use of well water is expensive because in addition to digging the well, the water must be pumped to the crops using electricity. Recycled or reclaimed water, surface water, is a less expensive way to water crops. It is safely used on many mainland crops imported to Hawaii markets.

Reclaimed water alleviates the unnecessary cost and use of potable water for agriculture. In times of drought, the appropriate use of treated water for agriculture and other uses is critical in managing scarce water resources.

Thank you for the opportunity to submit testimony.